

Application Serial No. 10/657,582  
Reply dated November 22, 2005  
Reply to Office Action dated June 29, 2005

### **REMARKS/ARGUMENTS**

Claims 1-10, 13-15, and 17-19 are pending in the current application. The Examiner has rejected Claims 1-10, 13-15, and 17-19.

#### **Claim Rejections**

The Examiner rejected Claims 1-3, 5-7, 9,10, 13-15, and 17-19 as anticipated under 35 U.S.C. §102(a) by Japanese Patent No. 2001271752 A to Nojima (hereinafter "Nojima '752"). The Examiner also rejected Claims 4 and 8 as rendered obvious by Nojima '752 under 35 U.S.C. §103(a). 35 U.S.C. §102(a) states that "a person shall be entitled to a patent unless the invention was... patented or described in a printed publication in this or a foreign country, *before the invention thereof* by the applicant for patent" (emphasis added). Nojima '752 published on October 5, 2001. Applicant respectfully submits that the invention claimed in all pending claims in the present application was invented prior to October 5, 2001, and thus, Nojima '752 is not prior art under §102(a).

More particularly, attached hereto is a declaration from the inventor, Robin G. Skinner, declaring that a compressor incorporating the subject matter of all pending claims was conceived as early as July 9, 2001. Attached hereto in support of this declaration is an Invention Disclosure Form describing said compressor. This Invention Disclosure Form was signed by the inventor and witnessed on October 3, 2001. The inventor further declares in the declaration that a compressor incorporating the subject matter of all pending claims was built, i.e., actually reduced to practice, on or about July 18, 2001 and was tested beginning on or about July 22-24, 2001. Attached hereto are reports, redacted as appropriate, documenting said testing and are each entitled Tecumseh Products Company Scroll Buildup Sheet and Test Request.

Accordingly, Applicant respectfully submits that Nojima '752 is not prior art and requests that Claims 1-10, 13-15, and 17-19 be allowed.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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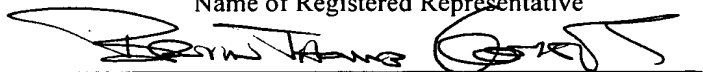
CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: November 22, 2005

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BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative



Signature

November 22, 2005

Date